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Supreme Court of the United States

OCTOBER TERM, 1947.

No. 142

NO. 12347

ON APPEAL FROM UNITED STATES CIRCUIT COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LA.

CESARIO CAMPA, ALIAS CESAR CAMPA, PRAYING FOR A WRIT OF HABEAS CORPUS.

CESARIO CAMPA, ALIAS CESAR CAMPA, PETITIONER,

versus

UNITED STATES OF AMERICA, RESPONDENT.

Petition for Writ of Certiorari to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., and Particulars and Brief in Support of Said Prayer and Petition for the Said Writ of Habeas Corpus.

FLOYD DUKE JAMES,
Majestic Building,
San Antonio, Texas,
Attorney for Petitioner.

LODOVIC PRINTING CO., SAN ANTONIO, TEXAS

Supreme Court of the United States

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versus

UNITED STATES OF AMERICA, RESPONDENT.

Petition for Writ of Certiorari to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., and Particulars and Brief in Support of Said Prayer and Petition for the Said Writ of Habeas Corpus.

MAY IT PLEASE THE HONORABLE COURT:

The petitioner at bar, Cesario Campa, alias Cesar Campa, a resident, if not a citizen of San Antonio, Bexar County, Texas, respectfully petitions the Honorable Court for a Writ of Certiorari to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., as indicated herein.

STATEMENT OF THE MATTER INVOLVED.

The said appellant prayed for and applied for a Writ of Habeas Corpus to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., and applied at that said Honorable Court, and in that said Fifth Circuit, the said Honorable Justices of said Circuit, having by laws of the United States the same right and power to issue same in their said Circuit as the Honorable Judges of the various District Courts have in their respective Districts, and all the more because the said petitioner did not feel that his said prayer might be entertained and heard in the said District, even if the Honorable Judge might be available, in view of the fact that he had been for so long ruled against, adjudged and ordered and imprisoned by the said local District Judge, whereas, in the interest of time and relief the said petitioner directed his said position.

The petitioner presents for the Honorable Court's attention his petition and prayer for a Writ of Habeas Corpus, as duly and heretofore presented to the Honorable Court, United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., Case No. 12347, and which was denied on May 24th, 1948, and duly appealed.

The petitioner, in said application and prayer for a Writ of Habeas Corpus, has duly shown that he is unlawfully imprisoned by the Attorney General of the United States, at Seagoville, Texas, on the orders of the Honorable Judge of the United States District Court, Western District of Texas, San Antonio, Texas, as by the orders in Case No. 13260, in which said case he was convicted of unlawfully representing himself as an American citizen, in that he did buy a poll tax receipt, whereas, petitioner questions said poll tax laws of the State of Texas, and the constitutionality of same, as well as said State of Texas laws concerning poll taxes, to wit, Article 3004, which says that

no citizen shall be permitted to vote, unless he first presents to the judge of the election his poll tax certificate issued before the first of February, of the year in which he offers to vote, etc.

The petitioner also says that he is held contrary to his rights under the Bill of Rights and the United States Constitution, because the said Honorable Judge of the trial court, exceeded his right and authority, in that he, by his own law, and not the Laws of the United States, ordered him to admit his guilt, to wit, that he was not in fact an American citizen, and that he would not commit the said offense again, whereas, such orders are the orders of a man, and not the Laws of the United States, and, contrary to the Bill of Rights, as set out therein, seek to govern the conscience and belief of a man.

The petitioner states in various manners how he has been unlawfully convicted, and proves same by the records of said trial and various affidavits, and shows that he was not given a fair and impartial trial as guaranteed by the Bill of Rights, to wit, he was tried by a jury, the foreman of same appearing to have been of an opposing political faction, and therein shows that unlawful evidence and instruments without authentication of American Consuls were imported from Mexico and used against him in prejudice.

The petitioner points out that the said trial did not determine his citizenship; that he has a right to go into courts of Texas and apply for a delayed birth certificate, whereas, the said court order to admit guilt and agree not to commit said act again is unconstitutional.

JURISDICTIONAL STATEMENT.

It is suggested to the Honorable Supreme Court of the United States, that it and the Honorable Justices thereof, and each of them, have the legal right to entertain and hear and determine this said cause, being an application and prayer for the Writ of Habeas Corpus, as guaranteed by the bulwarks of our liberties, the heritages of free men, the Constitution of the United States of America and the Bill of Rights, as found in the said Articles and Amendments to our Federal Constitution, guaranteeing the right of a free mind and conscience, a fair trial by a jury, and a right to vote as a citizen, without interference by a state of the Union, seeking to shackle those rights of balloting, and in hearing and determining this said cause the Honorable Court has the power and right to determine if the prayer of the petitioner is just, and if he has been herein deprived of his rights as a citizen, and, perchance, if he has in fact lost his said constitutional rights as a citizen because of unlawful evidence, matters of an unconstitutional nature and other illegal matters, some or all of which violate the Bill of Rights, the United States Constitution, the restrictions on the rights of States concerning rights, privileges and voting, as well as the ancient laws of Habeas Corpus and the Atlantic Charter.

QUESTIONS PRESENTED

The questions herein presented are those as indicated supra and as set out at length in said Prayer for Habeas Corpus, and in which said case there has been no evidence introduced by respondent to refute the pleadings and evidence of the petitioner, whereas, justice and the principles of American Jurisprudence require a decision herein, and in such matters which involve the principles of American

Liberty, the United States Constitution, the Bill of Rights, and the requirements that a State shall give the equal rights of other States to a citizen, then the Honorable Supreme Court of the United States is concerned, and the petitioner presents these matters and prays for his rights and that the Honorable Court may hear and determine them, and the petitioner herein comes before the Honorable Court with his original prayer for the said Writ of Habeas Corpus, and in submitting his cause and the body for judgment he prays for same.

REASONS RELIED UPON FOR ALLOWANCE OF WRIT.

The Honorable Court of Circuit Court of Appeals, Fifth Circuit, New Orleans, for the United States, on said date denied the said prayer, and the cause has been duly appealed, as of record. The said prayer and application involve the Bill of Rights, the United States Constitution, the guarantees of the United States of America, and the restrictions and prohibitions against the States, and in particular involve the constitutionality of the said Laws of the State of Texas, and said Article 3004, whereby the State of Texas, contrary to the Federal Laws, the United States Constitution, and the United States Bill of Rights, laid the basis and vehicle of prosecution of the said petitioner in the said case, and even now causes said petitioner to be thereby imprisoned at Seagoville, Texas, by said unlawful convictions and orders, and it is suggested to the Honorable Court that unlawful evidence, brought out of Mexico, contrary to International Law, the Treaty of Guadaupe, and the conventions of nations was herein used as against the petitioner in the trial below, as indicated in said prayer and petition, whereas, petitioner is guaranteed

a fair trial and by an impartial jury, and a trial in accordance with the due process and the laws of the land.

Wherefore, your petitioner prays that a Writ of Certiorari may issue under the seal of the Honorable Court, directed to the United States Circuit Court of Appeals for the Fifth Circuit, New Orleans, La., commanding said court to certify and send to your Honorable Court a full and complete transcript of the record and proceedings of the said court of Appeals concerning the said case, Numbered and Entitled, Case No. 12347, Cesario Campa, alias Cesar Campa, Praying for a Writ of Habeas Corpus, to the end that this said cause may be heard, reviewed and determined by the Supreme Court of the United States, as provided by the Statutes and Laws of the United States, and the said petitioner still prays for Habeas Corpus, and for relief, general or special, either at law or in equity, and, in going before the country, the petitioner will ever pray for mercy and justice.

Dated and mailed June, 29th day, 1948.

Floyd Duke James

FLOYD DUKE JAMES
Majestic Building,
San Antonio, Texas,
Attorney for Petitioner.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1948.

No. 142

CESARIO CAMPA, ALIAS CESAR CAMPA, PETITIONER,

versus

UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

Memorandum for the Petitioner in Rebuttal to the Memorandum for the United States in Opposition

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The petitioner asked for the issuance of a writ of habeas corpus in an original manner, as by the allowance of the laws, based upon the bulwarks of liberty, and as guaranteed by the Common Law, the Laws of the United States, the Bill of Rights, and as found in the jurisdiction of Texas, and directed his petition to the Fifth Circuit, United States Circuit Court of Appeals, centrally located at New Orleans, La., as of said date which is indicated by the record, being on or about April 27th, 1948.

It is further indicated by the record that the said application was denied, and notice of appeal was given, and application was duly made to the United States Supreme Court for a writ of certiorari.

It is also further indicated that the United States District Court, Western District of Texas, San Antonio, Texas, the bench and place of the trial of prisoner, was not in session at the time of the said application for habeas corpus, the May Term, 1948, having been called, to wit, on May 3rd, 1948, whereas, it is not known if the Honorable Judge of said court might have been available, even if he had the power and jurisdiction, under the laws and cited cases, to hear and determine said application, or issue citation and service upon the said warden of U. S. Correctional Institution, Seagoville, Texas, where said petitioner was then held by the U. S. Attorney General and subordinates. It is pointed out that when said application was made for habeas corpus that the said petitioner was not in the jurisdiction of the United States District Court, Western District of Texas, the jurisdiction of the said trial court and the court below, but was then and there held by said warden at Seagoville, Texas, being in the Northern District of Texas, but within the territory and jurisdiction of the Fifth Circuit, United States Circuit Court of Appeals, to which said court the said petitioner applied for release on habeas corpus.

The said United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., denied the said application, failing and refusing to hear same, whereas the same, without any fault on the part of petitioner, explains why no service was had on warden at Seagoville, Texas.

The right of habeas corpus is an ancient right and is not to be ordinarily denied, and if procedure and time present problems in regard to jurisdiction which appear to retard or stifle the laws of habeas corpus in their remedy

and application, it is still in the power of the courts to devise ways and means for the remedy.

Since the Dred Scott Case and the case of Ex Parte Siebold, U. S. Reports, page 371, marked by great liberality in process and procedure, there have been certain rules and procedures made to regulate the process and application and jurisdictions of habeas corpus, but there are no definite regulations to conclusively guide the ways of the solicitor and counselor in the preparation and launching of the cases of habeas corpus. Cases can be cited and rules mentioned which show that in this case the Honorable Judge of the trial court did not have the power and authority to herein bring on and try this particular application for habeas corpus, even if he did try the original case, and even if he did lately refuse to modify the said judgment and orders of servitude, because the prisoner was at Seagoville, Texas, out of his jurisdiction, and in another jurisdiction of the District Court of Texas, but in the Fifth Circuit, United States Circuit Court of Appeals, and it appears that the Memorandum For The United States In Opposition fails to know or note the said matters. See United States Code Annotated, Title 28, Habeas Corpus, Federal Supplement 57, page 87, Sanders vs. Brady, Warden, and Federal Reporter, 2nd Series, 162, page 644, United States, ex rel., Quinn vs. Hunter, and contained cases and note that in this said case the United States District Judge, Western District of Texas, the court of trial, would have had no authority to hear and determine said application for habeas corpus, even if the said petitioner had been brought before his bench in any manner, being at the time of application a prisoner, serving sentence out of jurisdiction.

Where then was the proper place, the court and jurisdiction to file and present the application, if not to the next higher court, the Fifth Circuit, United States Circuit of

Appeals? The prisoner was in the Fifth Circuit, at Seagoville, Texas, which was far removed from the jurisdiction of the United States District Court, Western District of Texas, the jurisdiction of the trial below. See U. S. C. A., Title 28, page 13, paragraph 452, which says that the several justices of the Supreme Court and the several judges of the circuit courts of appeal and of the district courts, within their respective jurisdictions, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of restraint of liberty. The order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

The petitioner cites that he had been imprisoned and several times ordered in the court below, and did not feel, even if the Honorable Judge might have been available and in term, that a remedy might be produced, especially so in view of the fact that he had only a few days before failed to receive a modification of sentence, and had been ordered to obey the prior judgment, to wit, to sign as an alien and agree not to again commit the offense by 2:00 P. M. of the said date, or go to prison, whereas, petitioner has raised several Constitutional Questions concerning same and his imprisonment, all of which involve the Bill of Rights, the basic laws of the land and also the constitutionality of Article 3004, Revised Statutes of Texas, concerning poll taxes, said Article 3004 being the basis and vehicle of his convictions, and the prisoner feels that the higher courts should regulate the matter herein and for said reasons. While the said order was not appealed, and the entire case re-opened on constitutional grounds, a hearing of habeas corpus would in effect serve as an appeal on said late order.

It appears that the U. S. District Court wherein said prisoner of Seagoville, Texas, is located, and where peti-

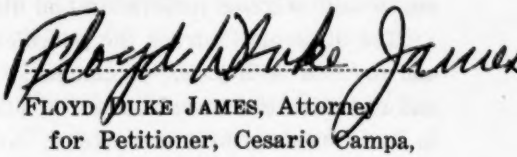
tioner was held at time of presentment of application, was not the proper jurisdiction to apply to for relief, as it is the apparent growing rule not to present such cases to a neighboring district, a court of equal grade, either to hear at such place or set down for hearing in the district of original jurisdiction, even if the petitioner is located in the jurisdiction of trial, whereas, said petitioner was not in said original jurisdicton and district at the time.

The Supreme Court is the guardian of the Constitution and the Bill of Rights. It can make rules and procedure and regulates the lower courts. It can require some court to hear and determine the present cause, and its appellate power herein cannot be denied. The denial of this case is on appeal. The court of trial exceeded powers, as indicated, contrary to Constitution, wherefore, Supreme Court can act herein, and grant writ of habeas corpus.

Note petitioner's application for habeas corpus, petition supporting same and application for writ of certiorari in which it is shown that petitioner questions the validity of Article 3004, Revised Statutes of Texas, concerning the requirements for a polltax before a citizen shall vote, also the complaints that he has been denied a fair and Constitutional trial by a jury as guaranteed by the Bill of Rights, involving, among other things, International Agreements and Treaties with Mexico, the Laws, the Constitution of the United States and the Bill of Rights, as well as unlawful evidence which has been used against him, and also note Revised Rules of the Supreme Court of the United States, page 5, section (b), which says that in any case in a Circuit Court of Appeals where is drawn in qustion the validity of a statute of any state, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against its validity, may, at the election of the party relying on such State statute, be taken to the Supreme Court for review

on writ of error or appeal; but in that event a review on certiorari shall not be allowed at the instance of such party, and the review on such writ of error or appeal shall be restricted to an examination and decision of the Federal questions presented in the case.

Respectfully submitted,



FLOYD DUKE JAMES, Attorney
for Petitioner, Cesario Campa,
alias Cesar Campa.

August 1948

IN THE

Supreme Court of the United States

OCTOBER TERM, 1948.

No. 142

CESARIO CAMPA, ALIAS CESAR CAMPA, PETITIONER,

versus

UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

MOTION

To The Honorable Justices of The Supreme Court:

Now comes the petitioner, Cesario Campa, alias Cesar Campa, now a movant, moving the Honorable Court to act herein in the alternative, in case his petition and application for writ of certiorari is refused, and to hear his cause and at his instance and request test the validity and Constitutionality of Article 3004, Revised Statutes of the State of Texas, concerning polltaxes, as set out in said petition for habeas corpus and supporting petition and

brief, as found in the record and duly filed with the Honorable Court, said petitioner having been twice convicted in the court below owing to the fact that he did buy said two polltaxes, and was forced to buy same in order to vote, having been thereby charged as falsely representing himself as an American citizen on said two counts, and the movant states that the said Article 3004, the basis and vehicle of the said prosecution, caused him to lose his freedom; that said Article is unconstitutional and allows the State of Texas to interfere with the free balloting and voting of the citizens, and make them liable to convictions, whereas, as set out in the records, the United States Constitution does not permit same; that said conflict should be herein remdied and said Article 3004 declared unconstitutional, as well as the other Constitutional matters therein.

Wherefore petitioner moves that said Article 3004, revised Statutes of Texas, be herein tested for validity and Constitutionality, as well as other Federal questions therein, in case the Honorable Court may herein refuse to grant writ of certiorari, and petitioner prays for relief, general or special, either at law or in equity, and for justice will ever pray.

Floyd Duke James

FLOYD DUKE JAMES, Attorney
for Cesario Campa, alias
Cesar Campa.

August 1948.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1948

No. 142

CESARIO CAMPA, ALIAS CESAR CAMPA, *Petitioner*

v.

UNITED STATES OF AMERICA[1]

On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner asks for the issuance of a writ of certiorari (Pet. 6) to review the judgment of the Cir-

[1] The record does not disclose the identity of the person in whose custody petitioner is being held, but the petition for a writ of habeas corpus recites that petitioner is imprisoned "at the United States Institute of Correction, or similar name, at Seagoville, Texas, by the Attorney General of the United States and Department of Justice, or others serving under same and taking orders from the same." (R. 1.) It further does not appear on whom the petition for a writ of habeas corpus was served. Accordingly, there is no proper party respondent.

cuit Court of Appeals for the Fifth Circuit, entered May 24, 1948 (R. 45), denying for lack of jurisdiction his petition for an original writ of habeas corpus in that court. Since it is well established that circuit courts of appeals have no original jurisdiction to issue writs of habeas corpus, the decision below was correct and the petition for a writ of certiorari should be denied. *Adams* v. *United States ex rel. McCann,* 317 U. S. 269, 273; *Posey* v. *Dowd,* 134 F. 2d 613 (C. C. A. 7), certiorari denied, 319 U. S. 746; *In re Miller,* 126 F. 2d 826 (C. C. A. 9), certiorari denied, *sub nom. Miller* v. *Duffy,* 316 U. S. 677. Cf. *Brosius* v. *Botkin,* 110 F. 2d 49 (App. D. C.).

Respectfully submitted,

PHILIP B. PERLMAN,
Solicitor General.

August 1948

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UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

Motion and Petition to Set Aside Denial and for the Trial of Case by the Whole Court.

FLOYD DUKE JAMES, Attorney for Movant and Petitioner, Cesario Campa, Alias Cesar Campa.

LODOVIC PRINTING CO., SAN ANTONIO, TEXAS

IN THE

Supreme Court of the United States

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UNITED STATES OF AMERICA

On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

Motion and Petition to Set Aside Denial and for the Trial of Case by the Whole Court.

TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

Now comes Cesario Campa, alias Cesar Campa, moving and petitioning the court to set aside the said denial of the petition for Writ of Certiorari to the United States

Circuit Court of Appeals for the Fifth Circuit, and herein try and adjudge the said case as a whole Court, and for the following causes and reasons, to wit:

1. It appears that the said matters, as represented in the said case, should be tried by the Court as a whole, and in particular because Constitutional matters therein concern all the States.

2. A mere matter of filing and procedure in habeas corpus cases, such as this cause, should not be defeated, especially so, because such matters, as by cited cases, are in doubt, and as admitted by said judge. See cited cases and references on page 3, MEMORANDUM FOR PETITIONER IN REBUTTAL TO MEMORANDUM FOR THE UNITED STATES IN OPPOSITION AND MOTION.

3. Federal and Constitutional matters are herein raised and require adjudication and interpretation, not only for the said petitioner, and not only for Texas, but for all the States of the Union.

4. In particular the Constitutionality of the Texas poll tax laws is questioned, and said laws require adjudication herein, being the bases and vehicles of prosecutions herein, said laws being of concern to all the States, and all the citizens of the whole land.

5. Petitioner has pleaded and moved that Federal and Constitutional matters raised in case be decided, if writ of certiorari cannot be issued, and the laws require adjudication of such matters herein, and interpretation by the Court.

6. The petitioner suggests to the Court that he was not in the District of the trial court, in the origin below, when the said petition and application for said Writ of Habeas Corpus was made, and that the Honorable Judge of the court below was not a proper and lawful official to attorn to in the said application for a writ of habeas

corpus, even if he had desired to hear and determine same, because the said petitioner was then out of the said Western District of Texas, and was serving time in a penal servitude at Seagoville, Texas, said place of servitude being in the Northern District of Texas, another District, but within the Circuit of the United States Circuit Court of Appeals, Fifth Circuit, the Honorable Court to which the petitioner respectfully applied for the said Writ of Habeas Corpus, raising therein said Federal and Constitutional matters and questions, and attacking the validity of the said State of Texas poll tax laws, to wit, Article 3004, Revised Statutes of the State of Texas, under which laws he was herein twice convicted, and all of which has been herein filed for record.

7. The said United States Circuit Court of Appeals, or by an Honorable Justice, or by one or all, as by the record herein duly filed, denied said petition and application for the said Writ of Habeas Corpus, although, as by cited cases, the said petitioner felt that said court was the only court to which he might apply with effect and legality for said relief and remedy, and wherein he might have the said interpretation of the said Federal and Constitutional matters and laws that are concerned with his cause, and wherein he might have a test made for the validity of the said poll tax laws of the State of Texas, to wit, Article 3004, Revised Statutes of the State of Texas.

8. The said United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., did on said date, in error, deny said application for Writ of Habeas Corpus, or an Honorable Justice thereof did same for the Honorable

Court, and also thereby, in error, in effect upheld the validity of said Constitutional and Federal questions and matters as herein raised, and did, in error, and in effect uphold the validity of the Texas poll tax laws, and Article 3004, Revised Statutes of the State of Texas, whereupon petitioner gave notice of appeal therein and applied to the Supreme Court of the United States of America for a Writ of Certiorari herein, for relief and so that such errors might be corrected.

9. The said Supreme Court did on the 11th day of October, A. D. 1948, or an Honorable Justice for same did on said date, deny said Petition for Writ of Certiorari to the United States Circuit Court of Appeals, Fifth Circuit, wherein said Federal and Constitutional questions and matters lodged, failing to give any relief and failing to set out, for the waymark of this said case and future cases and practicioners as to the proper procedure and filing in cases such as this, and all of which has been shown by cited cases to be in doubt. The petitioner respectfully cites to Appendix to Rules, Sec. 240, paragraph (a), Revised Rules of the Supreme Court of the United States, and petitioner respectfully petitions the Court to herein certify said matters herein and in this cause, as indicated therein, the same as if the cause had been brought there by unrestricted writ of error or appeal.

10. The petitioner also quotes and refers the Court to Appendix to Rules, Sec. 240, paragraph (b) of said Revised Rules of the Supreme Court. The petitioner suggests that the validity of poll tax laws of Texas, to wit, Art. 3004, and the Constitutionality thereof were drawn

into question in this case, and before the said United States Circuit Court of Appeals, Fifth Circuit; that the denial of the said Writ of Habeas Corpus did in effect uphold the validity of said Federal and Constitutional questions and laws, as herein complained of; that petitioner is herein entitled to have such Federal and Constitutional matters and laws ruled upon and interpreted herein, either in the nature of an appeal or writ of error herein, especially so, if the said petitioner's application for Writ of Certiorari be herein denied, and the petitioner herein agrees to same and submits accordingly, and as heretofore pleaded in the alternative.

WHEREFORE, petitioner, Cesario Campa, alias Cesar Campa, moves, petitions and prays for the Court to set aside the denial of the Writ of Certiorari, and for the trial of the cause by the whole Court, and, in case same be herein denied, that the Court, in the nature of an appeal or writ of error, herein decide the validity of the Federal and Constitutional questions and matters, as herein raised, and in particular manners determine the Constitutionality of the State of Texas, poll tax laws, Article 3004, and the petitioner and movant prays for relief, general or special, either at law or in equity, if he may be herein entitled, and prays for justice herein.

.....

FLOYD DUKE JAMES, Attorney for
Movant and Petitioner, Cesario Campa,
Alias Cesar Campa.

Respectfully submitted by
Floyd Duke James,
Attorney for Petitioner,
Majestic Bldg.,
San Antonio, Texas.

CERTIFICATE OF COUNSEL.

I, Floyd Duke James, counsel for the above named movant and petitioner, Cesario Campa, alias Cesar Campa, in the above entitled and numbered cause, do hereby certify that the foregoing motion and petition for re-hearing of said cause by the Court is presented in good faith and not for delay, and that service has been made and the required copies sent to the Solicitor General of the United States, Washington, D. C., within the extended time which was granted by the Court, and that the motion and petition for said re-hearing is restricted to the grounds above specified.

Respectfully submitted by

.....

FLOYD DUKE JAMES,
Attorney for Cesario Campa,
Alias Cesar Campa,
Movant and Petitioner.

Floyd Duke James,
Majestic Bldg.,
San Antonio, Tex.